

411.35629PC2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. KOHLER
Application No.: 09/865,281
Filed: May 29, 2001
For: FUSION PROTEINS OF BIOLOGICALLY ACTIVE
PEPTIDES AND ANTIBODIES
Art Unit: 1644
Examiner: P. N. Huynh

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 28, 2005

Sir:

Applicant would like to take this opportunity to thank Examiner Phuong Huynh for the courtesies extended to the undersigned during a telephone interview on July 27, 2005. The following is a statement of the substance of the interview. The undersigned explained the differences between the present invention and the subject matter of the cited prior art. The Examiner stated that the amended claims 28 and 29 and new claims 36-40 in the Amendment filed on June 28, 2005 necessitate a new search and that the specification does not appear to have adequate written description of the term "homologous" recited in these claims. The Examiner also questioned the differences between the claimed fusion protein and the fusion proteins recited in Examples 4 and 5 of the specification (the fusion non-Ig protein containing a MTS-peptide taken from Rojas et

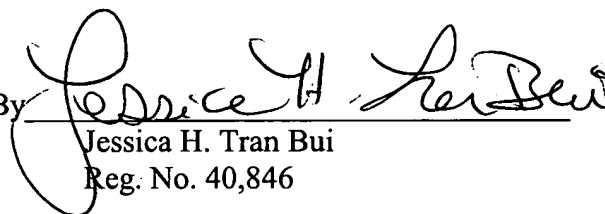


al. in Nature Biotechnology, 16: 370, 1998; and the C3d-HEL fusion protein taken from Demsey et al. in Science, 271: 348, 1996). The Examiner indicates that once a request for continued examination is filed, she will enter the Amendment filed on June 28, 2005 and conduct a search directed to the amended and new claims. The Examiner indicated that that a fusion protein comprising an antibody and the peptide of SEQ ID NO. 1 appears to be allowable.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 411.35629PC2), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 
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JHB